

Appl. No. : **10/688,646**
Filed : **October 17, 2003**

REMARKS

Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the above amendments and the following remarks.

Claim Rejections

Claims 9, 36 and 37 stand rejected under 35 U.S.C. 102(b) as anticipated by Huebsch (USPN 4,892,550). Claims 9 and 40 stand rejected under 35 U.S.C. 102(b) as anticipated by Kuslich (USPN 5,549,679). Claim 10 stands rejected under 35 U.S.C 103(a) as obvious over Kuslich in view of Beyar (USPN 6,127,597). Claims 9 and 36-38 stand rejected under 35 U.S.C 103(a) as obvious over Stalcup (USPN 6,425,923) in view of Huebsch. Claim 39 stands rejected under 35 U.S.C 103(a) as obvious over Huebsch.

Applicant respectfully disagrees with the rejection of these claims. Nevertheless, to advance prosecution, Applicant has chosen to amend the rejected claims as outlined below.

As amended, Claim 9 recites, in part, a “surgical system, comprising: a first bone screw comprising a proximal portion and a distal portion, the proximal portion including a head and a portal, the proximal portion including a distal tip” and “wherein, when said hardenable media is hardened, the inflatable connection rod extend through the portal of the first bone screw to form a rigid structure.” The cited art does not disclose or suggest a system comprising the above-noted features. For at least this reason, Applicant submits that Claim 9 and its dependent claims (i.e., Claims 10 and 36-40) are in condition for allowance.

New Claim 41 depends upon allowable Claim 9 and, for at least this reason, this claim is also in condition for allowance.

Request for Continued Examination

This amendment is being filed with a Request for Continued Examination.

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CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: 
Rabinder N. Narula
Registration No. 53,371
Attorney of Record
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404

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080405